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TATA AMERICA INTERNATIONAL
14 CORPORATION, TATA CONSULTANCY
SERVICES, LTD. and TATA SONS, LTD.
15

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 GOPI VEDACHALAM and KANGANA)
BERI, on behalf of themselves and all)
20 others similarly situated,)

21 Plaintiffs,)

22 v.)

23 TATA AMERICA INTERNATIONAL)
CORPORATION, a New York)
24 corporation; TATA CONSULTANCY)
SERVICES, LTD., an Indian corporation;)
25 and TATA SONS, LTD., an Indian)
corporation,)

26 Defendants.)
27)
28)

CASE No. CV06-0963 (VRW)

**STIPULATION AND ~~PROPOSED~~
ORDER RE: DEFENDANTS' MOTION
TO STAY PROCEEDINGS PENDING
THE RESOLUTION OF APPEAL**

1 **WHEREAS**, in an Order, entered on March 13, 2007, this Court denied
2 Defendants' Motion to Compel Arbitration of Plaintiff Gopi Vedachalam's claims;

3 **WHEREAS**, on March 22, 2007, Defendants appealed, pursuant to 9 U.S.C.
4 §16(a)(1)(C), this Court's Order denying their Motion to Compel Arbitration to the United States
5 Court of Appeals for the Ninth Circuit ("the Vedachalam Appeal");

6 **WHEREAS**, on April 2, 2007 Defendants filed a Motion to Compel Arbitration of
7 Plaintiff Kanga Beri's claims on grounds similar to those set forth in their prior Motion to Compel
8 Arbitration of Vedachalam's Claims, during the pendency of which the Parties stipulated and the
9 Court so ordered that, among other things, this Action be otherwise stayed and that the Parties
10 enter into such stipulations as necessary to adjourn or stay the briefing schedule of Defendants'
11 appeal of the Court's March 13, 2007 Order until after the Court decides Defendants' Motion to
12 Compel Arbitration of Plaintiff Kanga Beri's Claims;

13 **WHEREAS**, in an Order dated February 14, 2008, this Court denied Defendants'
14 Motion to Compel Arbitration of Plaintiff Kanga Beri's Claims;

15 **WHEREAS**, on February 29, 2008, Defendants appealed, pursuant to 9 U.S.C. §
16 16(a)(1)(C), this Court's Order denying its Motion to Compel Arbitration to the United States
17 Court of Appeals for the Ninth Circuit ("the Beri Appeal") and requested that the Vedachalam
18 Appeal be consolidated with the Beri Appeal (collectively "the Consolidated Appeal");

19 **WHEREAS**, Defendants have informed the Court and the Plaintiffs that they
20 intend to move for a further stay of this action pending resolution by the Ninth Circuit of the
21 Consolidated Appeal, and in prior briefing have provided the Court with authority and
22 commentary which supports the grant of such a stay (*see* Defendants' Motion for a Stay, Doc.
23 Nos. 60 and 61 and authorities cited therein); and

24 **WHEREAS**, in order to preserve the resources of the Court and of the Parties,
25 Plaintiffs, without conceding the merits of Defendants' proposed Stay Motion, Agree and
26 Stipulate to Defendants' request to stay the proceedings in this Court pending the outcome of the
27 Consolidated Appeal, and thereby avoid further or full briefing and argument on the issues,

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THE PARTIES HEREBY AGREE AND STIPULATE AS FOLLOWS:

1. All proceedings in this Action before this Court are hereby stayed pending the outcome of the Consolidated Appeal.

IT IS SO STIPULATED.

Dated: March 5, 2008

RUKIN HYLAND DORIA & TINDALL LLP

By: /s/ Steven M. Tindall
Steven M. Tindall

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Dated: March 5, 2008

LIEFF, CABRASER, HEIMANN & BERNSTEIN,
LLP

By: /s/ Kelly M. Dermody
Kelly M. Dermody

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Counsel for the Plaintiffs

1 Dated: March 5, 2008

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9 Dated: March 5, 2008

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18 *Counsel for Defendants TATA AMERICA*
19 *INTERNATIONAL CORPORATION, TATA*
20 *CONSULTANCY SERVICES, LTD., and TATA SONS,*
21 *LTD.*

22 **IT IS SO ORDERED.**

23
24 Dated: 3/7/08

25 
HON. VAUGHN R. WALKER

26 United States District Court Chief Judge
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Signature Attestation

I, Michelle M. La Mar, hereby attest that I have on file all holographic signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Michelle M. La Mar

Michelle M. La Mar